S.B.CIVIL WRIT PETITION NO.1609/2004

BHAGWAN SINGH

VS

SUGAN KANWAR & ORS.

DATE OF ORDER : 18.1.2005.

HON'BLE MR.PRAKASH TATIA, J.

Mr.G.R.Goyal, for the petitioner.
Mr.Shambhoo Singh for the respondent.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 14th Nov., 2003 by which the learned Member of the Board of Revenue modified the final order dated 6th Oct., 2003, which was passed in the revision no.LR40/02/Ganganagar and connected revision petitions.

According to learned counsel for the petitioner, the review petition was filed against the order dated 6th Oct., 2003 and the learned member of the Board of Revenue without issuing notice to the petitioner allowed the review petition vide order dated 14th Nov., 2003 and virtually reversed his earlier order dated 6th Oct., 2003. In the order dated 6th Oct., 2003, it was specifically directed that the Revenue Appellate Authority, Sri Ganganagar shall first decide the question of

limitation and, thereafter, examine the locus standi of the appellants to maintain the appeal and, thereafter shall decide the appeal on merits in accordance with law. By order dated 14th Nov., 2003, the same learned member of the Board of Revenue directed the appellate authority to decide the question of limitation and the appeal on merits simultaneously on one day.

Learned counsel for the respondents no.1 to 5 states that the review petition was filed by respondents no.1 to 5 only and the order was passed by the Board of Revenue on respondents no.1 to 5. Learned counsel for the respondents no.1 to 5 admitted that the Board of Revenue allowed the review petition without issuing notice to any of the parties

In view of the above facts, the writ petition of the petitioner deserves to be allowed, hence, allowed. The order dated 14th Nov., 2003 is set aside. The Board of Revenue may decide the review petition of the respondents no.1 to 5 afresh after giving opportunity of hearing to all the parties.

(Prakash Tatia), J.

c.p.goyal/-